



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Tuesday, September 20, 2016

MINUTES

The City Council of the City of Leon Valley, Texas met on the 20th day of September, 2016 at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business.

Call to order.

Mayor Chris Riley called the Regular City Council Meeting to order at 7:11 p.m. and asked Chief Joe Salvaggio to lead the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members David Edwards, Monica Alcocer, Belinda Ealy, Benny Martinez and David Jordan.

Also in attendance were:

City Manager Kelly Kuenstler, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Denise Frederick, Public Works Director Melinda Moritz, Assistant Public Works Director David Dimaline, Communication Director Kristie Flores, Fire Chief Luis Valdez, Police Chief Joseph Salvaggio, Assistant Police Chief Ray Lacy, Sergeant Ruben Saucedo, Firefighter/Paramedic Todd Morgan, Finance Director Vickie Wallace, Executive Assistant to the City Manager Angela Trejo, Economic Development Assistant Ana Federico, Purchasing Agent Rhonda Hewitt as well as staff from the Leon Valley Fire and Police Departments.

Ordinance No. 16-036, confirming the City Manager's appointment of Joseph Salvaggio as Chief of Police of the City of Leon Valley. (*Brief reception to follow*)

City Manager Kelly Kuenstler introduced and appointed Joseph Salvaggio to the position of Leon Valley Police Chief and asked the Mayor and City Council members to confirm said appointment. Mayor Riley administered the official Oath of Office.

Mayor Riley announced a recess at 7:23 p.m. for a brief reception honoring the new Leon Valley Police Chief, Joseph Salvaggio. Chief Salvaggio said a few words and then Mayor Riley encouraged everyone to come on out on October 2nd for National Night Out and meet your new Chief.

At 7:50 p.m. the City Council reconvened into Open Session.

A motion was made by Council Member David Jordan and seconded by Council Member Benny Martinez, to approve Ordinance No. 16-036 as captioned. Upon a unanimous vote, Mayor Riley announced the motion carried.

City Manager Kelly Kuenstler thanked Executive Assistant to the City Manager Angela Trejo, Economic Development Assistant Ana Federico and City Secretary Sandra Passailaigue for putting together and serving during the reception for Chief Salvaggio.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked if any of the Council Members wished to pull any item from the Consent Agenda for discussion. No items were pulled.

- Carrie Macias, thanked Code Enforcement Officer Todd Morgan and volunteers for cleaning up the home at 6607 Huebner.
- Nelda Ball, 5912 Grasshill Drive, new business behind her making engine revving sounds late at night.
- Cathy Nelson, 6702 Yellow Rose, spoke about the need for weekend animal control and an "explosion of graffiti"
- Greg McFadden, 5762 Watercress Drive, also spoke about the new business that is making loud sounds late at night and would like the noise ordinance enforced.
- Rosemary Mitchell, 6607 Huebner, thanked the City for being a "village and helping out".

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

a) August 31, 2016 Special City Council Meeting

Consideration and possible action appoint Karen Seiffert to the Citizens Police Advisory Committee. M&C #2016-09-20-01 (S. Passailaigue)

Presentation, Discussion and Possible Action to approve the addition of the 4B sales tax revenue in the amount of \$305,280 to the City of Leon Valley Economic Development Corporation (LVEDC) Budget for FY 2016-17 to support the LVEDC's operations, programs and projects. M&C #2016-09-20-02 (L. Proffitt)

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve Consent Agenda Item #4 (August 31, 2016 Special City Council Meeting), Item #5 (Resolution No. 16-026R), and Item #6 (Resolution No. 16-027R) as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

REGULAR AGENDA

St. John's Baptist Church sign variance ninety (90) day review. M&C #2016-09-20-03 (K. Flores)

Kristie M. Flores, Communications Director presented the item saying that at the February 2, 2016 Council meeting, a variance was approved to allow a digital sign. Part of the motion required that the permit be reviewed after 90 days, in the event that there are multiple complaints, and that the City reserved the right to have the sign turned off between 11:00PM and 6:00AM. The sign is located near the intersection of Huebner and Evers Road and faces Huebner Road traffic from both directions. An application was submitted on July 14, 2015, and a permit was issued on February 10, 2016 and final inspection was completed on June 27, 2016. The purpose of this item is to review the performance of the sign and to make recommendations following citizen and staff feedback.

On June 7, 2016, a citizen complained that the sign was a nuisance and was interfering with quality of life by brightly shining and flashing through the windows of her home throughout the night. Fire Captain Blake Wade investigated the complaint and determined that the complaint was valid, and that the cause was a timer that was not set correctly. St. John's Baptist church responded quickly and repaired the timer.

- Viola Magers, 7215 Gumtree Street, spoke about the nuisance she and her family experience due to the flashing of the sign into her home.
- Pastor Price of St. John's Baptist Church, said he was willing to work with Ms. Magers to find ways to reduce including shutting off the sign at 9:00 p.m.

The City Council asked that Pastor Price and Ms. Magers work together to resolve this issue. Mayor Riley asked that City Manager Kuenstler put a place holder on the October City Council agenda to discuss this item.

Conduct a public hearing, consider, discuss and possible action to adopt an Ordinance on Specific Use Permit #2016-275 – A Request by Patrick L. Harvey, applicant, to operate a “Kennel” in a B-3 (Commercial) zoning district in the Commercial Industrial Overlay, being Lot 5, Block 1, CB 4428H, generally located at 5407 Bandera Road, Suite 117. M&C #2016-09-20-04 (K. Flores)

Kristie M. Flores, Communications Director presented the item on behalf of applicant Mr. Patrick L. Harvey, who is requesting a Specific Use Permit to operate a “Kennel” in a B-3 (Commercial) zoning district in the Commercial Industrial Overlay, being Lot 5, Block 1, CB 4428H, generally located at 5407 Bandera Road, Suite 117. Mr. Harvey paid \$900.00 for application, processing and consideration of the Specific Use Permit Case. The new business would generate additional property tax.

Communications Director Flores said staff recommends a plan review, engineering, Public Works and Community Development have recommended approval, noting that the request was consistent and compatible with the Master Plan, protected the health, safety and welfare of the general public and protected and preserved the rights of property owners affected by the request. Lastly, on August 23, 2016, the Zoning Commission recommended, by a vote of 7-0, to approve the applicants request for a Specific Use Permit on behalf of the Tail Waggers Dog Day Care.

Applicants Bobby Anderson, Ana Harvey and Lupe Harvey were present to answer any questions.

Mayor Riley opened the public hearing at 8:29 p.m. There being no public comment, Mayor Riley closed the public hearing at 8:29 p.m.

A motion was made by Council Member Benny Martinez and seconded by Council Member Belinda Ealy, to adopt an Ordinance on Specific Use Permit #2016-275 – A Request by Patrick L. Harvey, applicant, to operate a “Kennel” in a B-3 (Commercial) zoning district in the Commercial Industrial Overlay, being Lot 5, Block 1, CB 4428H, generally located at 5407 Bandera Road, Suite 117. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action on an In Kind Grant request by The Leon Valley Chamber of Commerce for use of the Leon Valley Community Center at 6427 Evers Road for their fundraising gala. M&C #2016-09-20-05 (K. Flores)

Council Member Benny Martinez recused himself from the vote due to his involvement with the Leon Valley Area Chamber of Commerce.

Kristie M. Flores, Communications Director presented the item to respond to a request from the Leon Valley Chamber of Commerce for an in kind grant use of the Leon Valley Community Center on Friday, October 7, 2016 for their Chamber fundraising gala. The request includes the use of the facility, security and the waiver of all fees. The event will begin in the evening and will end at 11:30 p.m. The Chamber is requesting security for 150 guests and will be providing their own set-up and clean-up. The purpose of the event is to raise funds for the Chamber, support Chamber businesses and recruitment of new businesses. The event promotes stakeholder participation between the Chamber and the City. This is a catered event and alcohol will be served. In reviewing the Community Center calendar and City resources the date and facility are available for use. The In Kind Grant Committee consists of representation from Public Works, the Leon Valley Library, the Administration/Human Resource Department and the Communications Department.

Communications Director Flores reported on behalf of the In Kind Grant Committee whom evaluated the request based on the criteria outlined in the grant policy and guidelines. The In-Kind Grant Committee forwards a recommendation of approval with a score of 77. Overall, the Committee noted that although the event would not directly generate sales tax the goals and fundraising by the Chamber support existing Leon Valley businesses and potential new businesses/economic development for the City as a whole. The variation in scoring was a result of looking at the event at face value versus the organization as a whole.

- Shirley Owen of the Leon Valley Area Chamber of Commerce thanked the City Council for their consideration.

A motion was made by Council Member Belinda Ealy and seconded by Council Member David Edwards, to approve the In Kind Grant as requested by the Leon Valley Area Chamber of Commerce. Upon a vote of four (4) for and none (0) opposed and Council Member Benny Martinez being recused, Mayor Riley announced the motion carried.

Consider, discuss and possible action on the 2012 Municipal Bond Oversight Committee’s Final report and Committee dissolution. M&C #2016-09-20-06 (M. Moritz)

Melinda Moritz, Public Works Director presented the item for the purpose of presenting the Bond Oversight Committee's final report on the 2012 Municipal Facilities Bond Project; and to officially dissolve the Committee. Public Works Director Moritz said in 2012, the City Council formed the Bond Oversight Committee. The Committee was tasked with monitoring the performance and the spending of funds from the \$7,000,000 2012 Municipal Bond Program. The Committee was to provide total transparency to the voters and would be dissolved once the project was complete. The project is in substantial completion, with ongoing warranty work. The last invoices have been paid and Chairman Pedro Esquivel of the 2012 Bond Committee is ready to give the final report. All invoices have been paid and the final reconciliation is contained in their report. All outstanding "wish list" items have been budgeted in the FY 2017 budget, which include: Fire Station fencing; Police Department parking lot fencing; Intercom for meetings at City Hall; and additional lighting at City Hall.

Public Works Director Moritz stated that staff recommends City Council accepts the Bond Oversight Committee's final report and dissolve the Committee.

Pedro Esquivel Chairman of the Bond Oversight Committee said there was only one thing they wished they had done and that was to have gone for 10 million to include the Public Works building.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Belinda Ealy, to accept the 2012 Municipal Bond Oversight Committee's Final report and Committee dissolution. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action to accept donations of vacant land to be used as future parks, known as Parcel 20, Abstract 399, CB 4429, 0 Grass Hill Drive, being 0.2317 acres; Lot 53, Block 8, CB 4429D, The Ridge at Leon Valley Subdivision Unit #1, 0 Caraway Bend, being 1.5400 acres; Lot 54, Block 8, CB 44429D, The Ridge at Leon Valley Subdivision Unit #2, Being 0.1355 Acres; and Lot 55, Block 8, CB 4429D, The Ridge at Leon Valley Unit #2, Being 0.5802 acres. M&C #2016-09-20-07 (D. Dimaline)

Melinda Moritz, Public Works Director presented the item for consideration of accepting several donations of vacant land to be used as future parks. The first is a strip of easement land next to the new detention pond behind 6320 Bandera Road, and owned by Hetherington Family Trust, being known as 0 Grass Hill. The other three parcels are owned by The Ridge at Leon Valley Home Owner's Association, and are known as 0 Caraway Bend (2) and 0 Wm Rancher, and they are currently being used as a detention pond with an associated drainage easement lot. In consideration of these donations, the City would generate title transfers and pay a small document recording fee for each of the four properties. Funding for improvements to these areas could be budgeted in future years, with collaboration from the neighborhoods.

The Hetherington strip of land would be cleared in-house, as this land is only 20 ft. wide and the City will be using this area for detention pond, well site maintenance, and eventual trail. The Ridge at Leon Valley parcels will need more extensive improvements: Detention pond cutting, clearing, and silt removal: remove 285 cubic yards of silt at a cost of \$7125.00; and re-seed the area at a cost of \$2,000.00; for a total cost of \$9,125.00. In order to use the detention pond as a playing field, the top six to eight inches of soil should be replaced with better soils:

remove 600 cubic yards of soil at a cost of \$15,000.00; sandy loam soil 600 cubic yards at a cost of \$18,000.00; and seeding at a cost of \$ 2,000.00; for a total cost of \$35,000.00.

Staff's recommendation is that the City accepts the Hetherington easement parcel donation as is; require the Ridge HOA to perform cleaning, removal of silt in detention pond area; accept the land donations; and plan improvements for future years, with neighborhood input.

- Jesus Deluna, 5601 Poppy Seed Run, member at large the Ridge HOA said he would prefer to pay the City in one lump sum.
- Marcus Lowery, 5233 (*inaudible*) President of the Ridge HOA, questioned the City's timeframe for completion of the park.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Edwards, to accept the four (4) parcels; that we do the deed as soon as possible as presented; and that we put this on the 2nd meeting in October for follow up for the budget adjustment and accept the funds prior to that for the City to have it available when its needed at that time. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action of Ordinance No. 16-037, an ordinance establishing and adopting for the purpose of taxation; the calendar year; levying a tax of \$0.474645 for maintenance and operations and \$0.081954 for the interest and sinking fund for a total tax rate of \$0.556599 on all property subject to taxation and situated in the City of Leon Valley, Texas, on the first day of January 2016; establishing the rate of said levy; determining due date, delinquent date, interest rates on delinquencies, and for penalties for delinquencies; and determining and enacting other matters pertinent, necessary and incident to the subject; and providing a savings clause. M&C #2016-09-20-08 (V. Wallace)

Council Member Benny Martinez motioned that the Property Tax Rate be increased by the adoption of a Tax Rate of \$0.556599, which is a 6.247542 increase in the Tax Rate of \$0.523870; Maintenance and Operations Fund at \$0.474645 and the Interest and Sinking Fund at \$0.081954 for a total Tax Rate of \$0.556599 by adopting Ordinance No. 16-037.

Mayor Riley requested a call vote to which the City Council replied: Council Member Edwards – Aye; Council Member Ealy – Aye; Council Member Alcocer – Aye; Council Member Martinez – Aye; and Council Member Jordan – Aye.

Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action on a policy to require elected officials to act only in an advisory capacity or as council liaisons on boards and commissions appointed by the City Council. (Council Members Alcocer and Edwards)

City Manager Kelly Kuenstler was asked by members of City Council to place this item on the agenda for discussion so Ms. Kuenstler turned the item over to Council Member Monica Alcocer. Council Member Alcocer said she felt it was a conflict for City Council members to serve on boards/commissions/committees. Council Member David Edwards announced that the only reason he also requested it was "in the spirit of cooperation and that he doesn't take a

position either way but wanted to hear more about.” Council Member Alcocer read aloud a list of cities in the area and how they allow or do not allow council members to serve on boards/commissions/committees.

There was a brief discussion.

- Olen Yarnell, spoke against the proposed policy.
- Jackie Walton, 6110 Forest Wood, spoke in favor of the proposed policy.
- City Attorney Denise Frederick responded to Ms. Walton at the request of Mayor Riley. City Attorney Frederick stated that the conflict of interest issue only arises when a voting member has a pecuniary interest in one or both, actually on the committee that they are on and then they serve on Council and then vote on it.
- Pedro Esquivel, spoke in favor of members of Council serving as liaisons.

Council Member Monica Alcocer motioned that on city boards, City Council members serve only as liaison and not voting members. Motion failed due to the lack of a second.

Consider, discuss and possible action on a resolution of the City of Leon Valley City Council authorizing application to Texas Parks & Wildlife for a Small Communities Grant. M&C #2016-09-20-09 (K. Flores)

Kristie Flores, Communications Director presented this item seeking City council authorization to submit an application to Texas Parks & Wildlife (TPW) for a Small Communities Grant. The grant project name is the Leon Valley Huebner Onion Recreation Pavilion. The proposed pavilion would be on City property. The grant would fund construction of a 1,250 square foot large open-air pavilion (25' x 50') for a public park and recreational purposes in perpetuity. TPW requires a resolution for application, as well as certification that the City is eligible to apply for the grant. The grant if approved will require a 50% match in funding from the City.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to authorize the action as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action on Ordinance No. 16-038, authorizing the amendment of Ordinance No. 16-019 to revise Chapter 1 “General Provisions, Article 1.06 “Boards, Commissions and Committees” of the Leon Valley City Code of Ordinances to allow up to two City Council liaisons. M&C #2016-09-20-10 (K. Kuenstler)

City Manager Kuenstler presented the item as a “housekeeping item” following a City Council vote on September 6, 2016, that amended the Police Department Citizens Advisory Committee to allow two (2) City Council members to serve on the committee as opposed to the original allowance of one (1) City Council Member. The purpose of tonight’s presentation is to formalize the amendment of the ordinance originally established.

A motion was made by Council Member Belinda Ealy and seconded by Council Member David Edwards, to adopt Ordinance No. 16-038 as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consider, discuss and possible action on the Forest Oaks Pool Property Presentation by the Forest Oaks Community Pool Committee. M&C #2016-09-20-11 (D. Dimaline)

David Dimaline, Assistant Public Works Director and Forest Oaks Community Pool Committee member Larry Proffitt reminded everyone that a presentation of the Forest Oaks Pool was provided to the Mayor and City Council on July 19, 2016. Since the meeting, a written Notice of Intent to deed the property to the City of Leon Valley has been provided to the City, and an inspection of the Forest Oaks Pool has been completed. If the City Council directs staff to continue, approximately \$2,500 will be needed to prepare documents for the transfer of property (title search, and survey). Based on the report from Clear Blue Water Pool Repair, it is estimated that approximately \$25,000 in repairs is required before opening the pool. In addition, \$60,000 will be needed to fund operations of the Forest Oaks Pool for the 2017 swim season.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to move forward to transfer the Forest Oaks Community Pool to the City of Leon Valley. Upon a unanimous vote, Mayor Riley announced the motion carried.

City Manager Kuenstler clarified that the City Council is asking for a follow up on the sustainability of both pools. City Council said yes.

City Manager's Report:**a) Approved Minutes from Boards, Commissions and Committees****b) Future Agenda Items:**

- Sign Ordinance LED

c) Upcoming Important Events:**d) Upcoming Important Events:**

- October 02, 2016 National Night Out
- October 04, 2016 Regular City Council Meeting has been rescheduled to October 03, 2016 due to the Texas Municipal League Annual Conference.
- Coffee with the Mayor and City Council, Saturday, October 22, 2016, 9:00 a.m. to 11:00 a.m. at the Leon Valley Conference Center.
- November 05, 2016 Texas Recycles Day from 9:00 a.m. until 1:00 p.m. at Leon Valley Public Works.

City Manager Kuenstler spoke about Bibliotech will be hosting a platform to local cities on archives; LVEDC educational outreach for Special Election 4B Sales Tax - volunteers are needed; Assistant Police Chief Ray Lacy has resigned and will now serve as Police Chief of Shavano Park; Elizabeth Carol has resigned and Kristie Flores will be stepping in but serving in both positions and looking for a deputy director; Fire Chief Valdez was informed that we will be receiving a CPS rebate for the fire station of \$7403.17.

Mayor Riley added that on October 29, 2016, the City will have a Ciclovía at Raymond Rimkus Park from 9:00 a.m. to 2:00 p.m.

Citizens to be heard.

None

Announcements by the Mayor and Council Members.

Council Member Edwards thanked everyone for coming.

Council Member Alcocer said "ditto".

Council Member Martinez reminded everyone of the LVACC luncheon tomorrow and their upcoming casino night.

Council Member Jordan thanked the City for co-sponsoring the job fair and the seniors for giving up their space. During this event about fifty people were hired on-site.

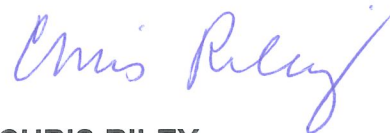
Mayor Riley thanked Council Members Jordan and Ealy for filling in for her in her absence.

Adjournment.

Mayor Riley announced the meeting adjourned at 10:31p.m.

These minutes approved by the Leon Valley City Council on the 3rd of October, 2016.

APPROVED



CHRIS RILEY
MAYOR

ATTEST:



SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

